REMARKS

A. Introduction

Claims 1-8 and 18-20 are pending. Applicant has cancelled claim 9. The Examiner rejected claims 1-8 and 18-20 under 35 U.S.C. § 102(a) over U.S. Patent Number 5,640,553 to Schultz ("Schultz"). For the reasons set forth in detail below, Applicant respectfully submits that the present application, including each of pending claims 1-8 and 18-20, is now in condition for allowance.

B. Rejection Under 35 U.S.C. § 102(a)

The Examiner rejected claims 1-8 and 18-20 under 35 U.S.C. § 102(a) over Schultz. Applicant respectfully disagrees and submits that Applicant's claimed technology contains unique elements not found in Schultz.

Schultz describes a method in a computing system for ranking items in a search result. Schultz's method contains three steps: (1) each term in the query is given a relevance rating based upon its part of speech and other criteria such as whether it is a proper noun (col. 23, lines 21-31); (2) the query terms and their relevance ratings are fed into a software query engine that produces a query result containing items ranked based on such criteria as occurrence of the specified terms and their distances from other specified terms (col. 23, line 66 – col. 24, line 21); (3) the rankings returned by the query engine are normalized to account for a tendency of the query engine to rank results for short queries higher than those for long queries (col. 25, lines 24-39). Schultz's method only describes the way in which a single query is performed. Schultz does not teach "producing a ranking value" reflecting both "the frequencies with which users selected the item in query results produced for earlier queries specifying one or more terms of the query" and "levels of effort required to make such selections" as recited in claim 1. Further, while Schultz does mention tracking users' selections (col. 36, lines 34-54), Schultz only

teaches using this information for the computation of royalties for sponsored links and not for ranking future queries.

Applicant's technology, in contrast, is directed to a method of improving the search results returned to users by observing what prior users have found to be the best results from a list of search results. Applicant's technology does this by (1) identifying the selections made by each user from a list of search results, and, in some embodiments, by noting the level of effort required to select a particular search result, and (2) using this information to produce a ranking value. Claim 1 recites "combining ratings reflecting both (a) the frequencies with which users selected the item in query results produced for earlier queries...and (b) levels of effort required to make such selections, such that the combination of ratings produces a ranking value for the item." Claim 6 recites "for items selected from the query result...determining an adjustment factor indicating the level of effort necessary to effectuate selection of the item." Claims 18 and 19 recite "combining ratings of frequencies with which users selected the item in earlier queries...to produce a ranking value for the item." Claim 20 recites "the rating score indicating the relative frequency with which users have selected the selected item." Thus, all of Applicant's independent claims recite one or both of these unique elements.

The Examiner argues that Schultz teaches "combining ratings reflecting both (a) the frequencies with which users selected the item in query results produced for earlier queries specifying one or more terms of the query and (b) levels of effort required to make such selections, such that the combination of ratings produces a ranking value for the item" at col. 6:42-53, col. 13:35-col. 14:27, and col. 36:34-col. 37:16. (Office Action, June 2, 2005, p. 5). However, the cited sections do not disclose these elements. For example, col. 6:48-50 indicates that "[a] query word is selected and assigned a weight...adjusted depending on whether the query word is a proper noun or slow word." Whether the query word is a proper noun or slow word is completely unrelated to "the frequencies with which users selected the item in query results produced for earlier queries" as recited in Applicant's claims. In col.

13-col. 14, Schultz indicates that "the relevance score for each document file is based in part on the relative proximity within the document file of terms forming the search query, i.e. the closer various search terms are to one and other [sic] in the document file, the higher the relevance score." This, too, takes into account only the current query information, and does not use "the frequencies with which users selected the item in query results produced for earlier queries" as recited in Applicant's claims. Col. 36-col. 37 describes generating reports for someone managing the search system, and provides no details on producing query results. Therefore, each of the rejected claims contains unique elements not disclosed by Schultz. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

D. Conclusion

In view of the above remarks, applicant believes the pending application is in condition for allowance, and respectfully requests reconsideration and a prompt notice of allowance.

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